

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION
CIVIL ACTION NO: 1:22-cv-501

NORTH CAROLINA MUTUAL)	
LIFE INSURANCE COMPANY, a)	
North Carolina Corporation,)	
)	
Plaintiff,)	DEFENDANT'S
v.)	MOTION TO DISMISS AND
)	COMPEL ARBITRATION
STEVEN FICKES,)	
)	
Defendant.)	
)	
)	

Defendant Steven Fickes, through his undersigned counsel, moves to dismiss the Complaint for improper venue and to compel arbitration pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure. *Amos v. Amazon Logistics, Inc.*, 2022 U.S. Dist. LEXIS 107260, *4 n.1 (M.D.N.C., June 16, 2022) (dismissing Complaint and compelling arbitration; “Arbitration clauses are a subset of forum-selection clauses . . . , which are enforced in this circuit pursuant to a Rule 12(b)(3) motion to dismiss for improper venue.”). A supporting brief is filed contemporaneously herewith.

.

DATED this 6th day of September, 2022.

Respectfully submitted,

MORNINGSTAR LAW GROUP

By /s/ Christopher T. Graebe
Christopher T. Graebe
NC Bar No. 17416
421 Fayetteville Street, Suite 530
Raleigh, NC 27601
(919) 863-9092
cgraebe@mstarlaw.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has this day electronically filed the foregoing Defendant's Motion to Dismiss and Compel Arbitration with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

This the 6th day of September, 2022.

MORNINGSTAR LAW GROUP

/s/ Christopher T. Graebe

Christopher T. Graebe, NCSB No. 17416
421 Fayetteville Street, Suite 530
Raleigh, North Carolina 27601
Telephone: 919-863-9092
Fax: 919-882-8890
Email: cgraebe@morningstarlawgroup.com
Attorneys for Defendant